



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 09 2003

REPLY TO THE ATTENTION OF
N-Forcer Site, MI

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

EPA Region 5 Records Ctr.



242560

Mr. Carl Gerhardstein, Director
Environmental Engineering
CSX Transportation
500 Water Street, J275
Jacksonville, Florida 32202

RE: N-Forcer Site
General Notice of Potential Liability

Dear Mr. Gerhardstein:

The United States Environmental Protection Agency (U.S. EPA) has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment at and from the above-referenced facility, and is planning to spend public funds to investigate and control these releases. This notice addresses both amphibole asbestos contamination at the facility located at 14300 Henn Street, Dearborn, Michigan, and at various residential properties in the general vicinity of the facility that contain elevated levels of material containing amphibole asbestos that migrated off-site and/or was provided by historical operators of the facility. This action will be taken by U.S. EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9601 et seq. (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100 Stat. 1613 (1986) (SARA), unless U.S. EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the facility, persons who generated the hazardous substances, and persons who were involved in the transport, treatment, or disposal of the hazardous substances at the facility. Under Section 107(a) of CERCLA, where U.S. EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the facility, including investigation, planning, and enforcement costs.

U.S. EPA is currently planning to conduct the following actions at the above-referenced facility:

1. Limit access to the on-site storage area where elevated asbestos levels were detected;
2. Temporarily stabilize areas with detected asbestos on the property by installing a secure groundcover;
3. Develop and implement a Health and Safety Plan for workers and contractors on site;
4. Develop and implement a Work Plan to address the removal and disposal of asbestos-contaminated materials present in the storage room and the soils located on the property.
5. Conduct an assessment to identify residential areas where asbestos-containing material is present at or near the surface;
6. Determine the horizontal extent of surface amphibole asbestos contamination and identify areas to be addressed;
7. Develop and implement a Work Plan to address the removal and disposal of asbestos-contaminated materials present
8. Excavate and remove asbestos-contaminated soils on residential properties to a maximum depth of 18 inches (unless visible asbestos is present at 18 inches, in which case excavation will continue until visible asbestos is removed) on the property and at residences;
9. Excavate and remove asbestos-contaminated soils on residential properties horizontally until no asbestos is present, as detected by lab analysis;
10. Analyze bulk asbestos samples using standard Polarized Light Microscopy (PLM) methods. Supplement PLM analysis with Transmission Electron Microscopy (TEM) for samples with lower concentrations of asbestos to assess whether contamination is present and whether sufficient excavation has occurred;
11. Install a synthetic liner at the bottom of the excavated areas prior to backfill;
12. Backfill excavated areas with clean soil and restore property to original pre-removal condition;

13. Dispose of contaminated soils at an EPA-approved off-site disposal facility;
14. Perform personal air sampling and ambient air sampling during remediation activities; and
15. Implement engineering measures to control dust during the cleanup.

U.S. EPA has received information that you may own or operate a portion of the facility. By this letter, U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to agree to reimburse U.S. EPA for costs incurred to date and to voluntarily perform or finance the response activities which U.S. EPA has determined or will determine are required at the facility.

U.S. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse U.S. EPA for its costs. If a consent order cannot be promptly concluded, U.S. EPA may issue a unilateral order under Section 106 of CERCLA, requiring you to perform specified work. Under Sections 106 and 107 of CERCLA, you may be liable for reimbursement of U.S. EPA's costs, for statutory penalties, and for treble damages for noncompliance with such an order.

Because of the conditions described above, U.S. EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, U.S. EPA does not intend to utilize the special notice procedures available under Section 122(e) of CERCLA.

As a potentially responsible party, you should notify U.S. EPA in writing within ten (10) days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse U.S. EPA for its costs. Your response should be sent to:

Ruth A. Woodfork
U.S. EPA - Region 5
Emergency Enforcement & Support Section SE-5J
77 West Jackson Boulevard
Chicago, IL 60604-3590


If U.S. EPA does not receive a timely response, U.S. EPA will assume that you do not wish to negotiate a resolution of your potential responsibility in connection with the facility and that you have declined any involvement in performing the response activities.

Your response should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with State or local authorities or involved in a lawsuit regarding this facility, you may continue such activities as you see fit. This letter is not intended to advise you or direct you presently to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

If you need further information regarding this letter, you may contact Thomas Krueger of the U.S. EPA Office of Regional Counsel at (312)886-0562.

Due to the nature of the problem at this facility and the attendant legal ramifications, U.S. EPA strongly encourages you to submit a written response within the time frame specified herein. We hope you will give this matter your immediate attention.

Sincerely yours,


Richard C. Karl, Chief
Emergency Response Branch

bcc: Thomas Krueger, ORC (C-14J)
 James Justice, SE-GI
 John Maritote, EESS (SE-5J)
 Ruth Woodfork, EESS (SE-5J)
 Denise Battaglia, Public Affairs (P-19J)
 Michael T. Chezik

Department of Interior, 200 Chestnut St., Room 244, Philadelphia, PA 19106
 Alicia Corley, SETS (OS505)
 Tony Audia, PAAS (MF-10J)
 Records Center (SMR-7J)
 ERB Read File

CONCURRENCE REQUESTED									
EMERGENCY RESPONSE BRANCH, SFD									
<i>W</i> 7/1/03			<i>W</i> 7/13/03 <i>P. Jones</i>	<i>TE</i> 7/2/03		<i>W</i> 7-3-03			
ES	OSC	RS CHIEF	EESS CHIEF	ORC	ORC CHIEF	ERB CHIEF	ENF COORD	SFD Director	RA

REMOVAL PROGRAM
NOTICE LETTER
ROUTING SLIP

(REVISED OCTOBER 1999)

N-Forces Site, MI
(SITE NAME) PRP (CSX-Transportation)

Please sign the Yellow and check your name off this page.
Then pass the document on to the next name.

Do not sign this page, SIGN THE YELLOW

	NAME	MAIL CODE
1. ERB ENFORCEMENT SPECIALIST	<u>L. Woodfork</u>	<u>SE-5J</u> ✓
2. ERB ON-SCENE COORDINATOR	<u>J. Justice</u>	_____
3. EESS SECRETARY	<u>J. Cheng</u>	<u>SE-5J</u> ✓
4. ORC STAFF ATTORNEY	<u>J. Brueger</u>	<u>C-14J</u> ✓
5. EESS SECRETARY	<u>J. Cheng</u>	<u>SE-5J</u>
6. EESS SECTION CHIEF	<u>Bill Messenger</u>	<u>SE-5J</u> ✓
7. ERB BRANCH SECRETARY	<u>Cynthia Beck</u>	<u>SE-5J</u> ✓
8. ERB BRANCH CHIEF	<u>Richard Karl</u>	<u>SE-5J</u> ✓
9. RETURN TO SE-5J/EESS SECRETARY FOR MAILING TO PRPs AND DISTRIBUTION OF BCC LIST.		

DATE MAILED TO PRPs: JUL 10 2003